

Applicants further assert that the rote recitation of the purported distinguishing characteristics of each of the groups is evidence of imposition of the instant Restriction Requirement without regard for the burden on Applicants, who will be required to prosecute eleven separate applications on the related technology encompassing their claims. Applicants also object to the promulgation of this Restriction Requirement after a pendency of almost two years, far greater than Patent Office statistics of "Time to First Action" for Group 1800 published in the Official Gazette. This delay by the Patent Office is particularly prejudicial to Applicants' patent rights in light of the changes in the patent law caused by ratification of the GATT treaty. Applicants are only now made aware that the Patent Office would require them to file ten divisional applications, which due to Patent Office delay have a term of *no more than* 18 years on the day they are filed. Applicants had no way of anticipating an 11-way restriction requirement, as currently pending, and could not have protected their patent rights even by filing "pre-emptive" divisionals prior to the change in the patent law necessitated by GATT.

In sum, Applicants respectfully request reconsideration of this Restriction Requirement for all of the above reasons, and particularly request a response to their traverse before action on the elected claims on the merits, in order not to further prejudice Applicants' rights.

A Petition for Two Month Extension of Time accompanies this Response. A Verified Statement of Small Entity Status was filed in this application on November 30, 1993.

If the Examiner in charge of this application believes it to be helpful, she is invited to contact the undersigned attorney by telephone at (312) 715-1000.

#### AMENDMENT

##### IN THE CLAIMS:

Please amend the following claim:

4. (Amended) A nucleic acid hybridization probe for the detection of mammalian excitatory amino acid transporter expression comprising the nucleotide sequence of Claim 2 [4].

Respectfully submitted,  
**BANNER & ALLEGRETTI, LTD.**

By

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